

Remarks

In the Office Action dated February 17, 2005, the Examiner rejected claims 81-144 as being obvious over United States Patent No. 5,794,207 to Walker et al. ("Walker") alone and in combination with other references, including U.S. Patent No. 5,922,047 to Newlin et al. ("Newlin"). Applicants have canceled claims 81-144 and presented new claims 145-204. Applicants respectfully submit that new claims 145-204 do not add new matter and their entry is respectfully requested.

New claims 145-159 and 175-189 are directed to systems for "introducing individuals over the internet in order to establish an acquaintance for the purpose of dating," while new claims 160-174 and 190-204 are directed to methods of accomplishing the same purpose. As such, the presently pending claims are directed specifically and exclusively to the context of online dating, also known as online matchmaking. New independent system claim 145 is presented for illustration:

145. A system for introducing individuals over the internet in order to establish an acquaintance for the purpose of dating, the system comprising:

an internet website for interfacing a remote terminal apparatus to the internet, the internet website including means for receiving personal advertisements, means for receiving audio recordings associated with the personal advertisements and means for receiving input data;

means for storing the personal advertisements, audio recordings and input data, the means for storing being coupled to the internet website;

means for processing the **personal advertisements** and the input data to isolate a subset of **personal advertisements**; and

means for publishing at least the isolated subset of **personal advertisements**, the means for publishing including means for playing the audio recordings via the internet, the means for publishing coupled to the means for storing and means for processing. (Emphasis added)

As can be clearly seen from the above, new claim 145 is directed solely at the context of introducing individuals to establish an acquaintance for the purpose of dating. Further, this claim is directed solely at a system including an internet website. The data received, stored, processed and published by the system relates to "personal advertisements." As used in the originally filed application, the term "personal advertisement" refers generally to an advertisement featuring the personal characteristics of a particular individual, drafted and intended for review by other individuals who are interested in forming an acquaintance or relationship. (See Figures 2, 8 and 11 and related written description of the present application for more detail). The type of data stored in a personal advertisement may include an image of the individual, a text description of the individual, an audio and/or video message from the individual and/or other personal data about that individual. (See Fig. 11 and related written description). Additional personal data may include, for example, that individual's gender, age and/or marital status, as examples. (See Fig. 2 and related description). Claims 146-204

recite various combinations of limitations covering various embodiments of this concept. Given the explicit and concrete limitations found in claims 145-204, it can be readily ascertained that the art cited by the Examiner against the prior claims neither anticipates these claims nor renders them obvious, as described in more detail below.

Although the rejected claims are no longer pending, Applicant will address the Examiner's comments as to the Walker and Newlin references in order to illustrate the manner in which the new claims are distinct from each of these references. Further, Applicant will address the manner in which the claims are distinct from references cited by the U.S. Patent and Trademark Office in related cases.

**The Walker Reference:**

The Walker Reference is titled "Method and apparatus for a cryptographically assisted commercial network system designed to facilitate buyer-driven conditional purchase offers." The abstract of the Walker Reference reads as follows:

The present invention is a method and apparatus for effectuating bilateral buyer-driven commerce. The present invention allows prospective buyers of goods and services to communicate a binding purchase offer globally to potential sellers, for sellers conveniently to search for relevant buyer purchase offers, and for sellers potentially to bind a buyer to a contract based on the buyer's purchase offer. In a preferred embodiment, the apparatus of the present invention includes a controller which receives binding purchase offers from prospective

buyers. The controller makes purchase offers available globally to potential sellers. Potential sellers then have the option to accept a purchase offer and thus bind the corresponding buyer to a contract. The method and apparatus of the present invention have applications on the Internet as well as conventional communications systems such as voice telephony. (Emphasis added)

Although the Walker Reference may have relevance in the context of commercial transactions, Applicant respectfully submits that Walker did not, either alone or in combination with other references, anticipate or render obvious the claims previously rejected by the Examiner. Nevertheless, Applicant has submitted new claims directed in part to more clearly accentuate the distinctions between the claimed invention and the cited art.

Whereas Walker is directed to a system for effectuating online commercial transactions, new claims 145-159 and 175-189 are directed to systems for "introducing individuals over the internet in order to establish an acquaintance for the purpose of dating," while new claims 160-174 and 190-204 are directed to methods of accomplishing the same purpose. Accordingly, the fundamental context and purpose of the new claims are very different from the fundamental context and purpose of Walker.

In addition to the fact that the Walker reference is not directed to the same basic context as the presently-pending claims, each of the new claims recites explicit limitations not identified by the Examiner as being found in Walker. In the Office Action dated February 17, 2005, the Examiner cited Walker for the teaching

of "an interactive system for enabling communication between an advertiser and respondent". At the outset, neither the Examiner nor Applicant has identified within Walker a teaching of "personal advertisements"--that is, advertisements describing the personal attributes of an individual. This is not surprising, owing to the fact that Walker is directed at commercial transactions rather than the establishment of personal romantic contacts. Similarly, neither the Examiner nor Applicant has identified any teaching within Walker of any step or means for "receiving personal advertisements," "processing personal advertisements" or "isolating a subset of personal advertisements" via any medium, and clearly does not teach doing so over the internet. Accordingly, Walker teaches neither the fundamental concept of "introducing individuals over the internet in order to establish an acquaintance for the purpose of dating" nor the specific limitations found in claims 145-204, each of which is therefore allowable over Walker.

The Newlin Reference:

The Newlin Reference is titled "Apparatus, method and system for multimedia control and communication." The abstract of the Newlin Reference reads in part as follows:

A multimedia control apparatus (101, 201) provides for control over a plurality of media (145), including telephony, video conferencing, video display, home automation and control, and other communication systems such as voice mail. The multimedia control apparatus includes a network interface (110) coupleable to a

network communication channel (103) for communication with a network (104); a user interface (120) responsive to receive a first control signal of a plurality of control signals; a plurality of media application modules (140), each media application module of the plurality of media application modules coupleable to a corresponding medium of a plurality of corresponding media (145); and a processor arrangement (130) having a plurality of operating modes.

Although the Newlin Reference may have relevance to multimedia communications, Applicant respectfully submits that Newlin did not, either alone or in combination with other references, anticipate or render obvious the claims previously rejected by the Examiner. Nevertheless, Applicant has submitted new claims 145-204 solely in order to expedite prosecution.

Whereas Newlin is directed to a multimedia control apparatus, new claims 145-159 and 175-189 are directed to systems for "introducing individuals over the internet in order to establish an acquaintance for the purpose of dating," while new claims 160-174 and 190-204 are directed to methods of accomplishing the same purpose. Accordingly, the fundamental context and purpose of the new claims are very different from the fundamental context and purpose of Newlin.

Applicant has not identified within Newlin a teaching of "personal advertisements"--that is, advertisements describing the personal attributes of an individual. This is not surprising, owing to the fact that Newlin is not directed to the establishment of personal romantic contacts. Similarly, Applicant has not

identified any teaching within Newlin of any step or means for "receiving personal advertisements," "processing personal advertisements" or "isolating a subset of personal advertisements" in any context. Applicant has not found within Newlin a teaching of performing any of these activities over the internet. Accordingly, Newlin teaches neither the fundamental concept of "introducing individuals over the internet in order to establish an acquaintance for the purpose of dating" nor the specific limitations found in claims 145-204, each of which is therefore allowable over Newlin.

The Iribarren Reference:

United States Patent No. 5,737,395 to Iribarren (hereinafter "Iribarren") has been cited as a principal reference in rejecting claims in cases related to the present case. This reference is titled "System and method for integrating voice, facsimile and electronic mail data through a personal computer." Fundamentally, Iribarren discloses a voice mail message system for storing and retrieving voice mail messages and facsimile data. The system also includes a computer database accessing system for retrieving text messages. As such, the teachings of the Iribarren reference are of a somewhat similar nature to the teachings of the Newlin reference.

Although Irribarren discloses a number of combinations of communications systems, a review of Irribarren reveals that the disclosure is directed to a system for facilitating communication via various channels between parties which are previously acquainted with one another. Irribarren would not, however, be useful for a person wishing to find another person meeting certain personal criteria, such as age, gender and marital status. While the teachings of Irribarren are useful for communication between known parties, the communication system of Irribarren is not designed to be, nor would it be workable as, an advertisement system of any sort.

Whereas Irribarren is directed to a voice mail message system, new claims 145-159 and 175-189 are directed to systems for "introducing individuals over the internet in order to establish an acquaintance for the purpose of dating," while new claims 160-174 and 190-204 are directed to methods of accomplishing the same purpose. Accordingly, the fundamental context and purpose of the new claims are very different from the fundamental context and purpose of Irribarren.

Applicant has not identified within Irribarren a teaching of "personal advertisements"--that is, advertisements describing the personal attributes of an individual. This is not surprising, owing to the fact that Irribarren is not directed to the establishment of personal romantic contacts. Similarly, Applicant



has not identified any teaching within Irribarren of any step or means for "receiving personal advertisements," "processing personal advertisements" or "isolating a subset of personal advertisements." Applicant has, furthermore, not identified any teaching in Irribarren of performing any of these steps over the internet. Accordingly, Irribarren teaches neither the fundamental concept of "introducing individuals over the internet in order to establish an acquaintance for the purpose of dating" nor the specific limitations found in claims 145-204. Accordingly, Irribarren does not anticipate any of the pending claims, nor does it render any such claims obvious, and the pending claims are therefore allowable over Irribarren.

The Lalonde Reference:

United States Patent No. 5,283,731 to Lalonde et al. ("Lalonde") discloses a "computer-based classified ad system and method." According to the disclosure, "[T]he system comprises a data processor including means for creating an ad database comprising a plurality of ads, each ad containing text data describing an item to be made available through the system." Lalonde certainly discloses classified advertisements. The disclosure of Lalonde emphasizes, however, the desirability of text-based advertisements over audio-based advertisements, owing in part to the searchability of text-based advertisements. The system

of Lalonde may also include a voice synthesis component to read the text advertisements to potential buyers. The computer-based advertising system of Lalonde is described in connection with the advertisement and sale of real estate, although the disclosure emphasizes that its teachings could be applied to other commercial transactions, including "the sale or lease of used automobiles or boats" as examples.

Generally, Lalonde is directed to a text-based real estate classified advertisement system. Lalonde is not directed to a system or method for "introducing individuals over the internet in order to establish an acquaintance for the purpose of dating." Applicant has found no teaching or suggestion within Lalonde as to the use of its teachings in connection with personal advertisements or online dating. Further, Applicant has not found within Lalonde the multimedia aspects of the present invention, including the combination of images, text and audio in individual personal advertisements.

Whereas Lalonde is directed to a text-based real estate classified advertisement system, new claims 145-159 and 175-189 are directed to systems for "introducing individuals over the internet in order to establish an acquaintance for the purpose of dating," while new claims 160-174 and 190-204 are directed to methods of accomplishing the same purpose. Accordingly, the fundamental

context and purpose of the new claims are very different from the fundamental context and purpose of Lalonde.

Applicant has not identified within Lalonde a teaching of "personal advertisements"--that is, advertisements describing the personal attributes of an individual. This is not surprising, owing to the fact that Lalonde is not directed to the establishment of personal romantic contacts. Similarly, Applicant has not identified any teaching within Lalonde of any step or means for "receiving personal advertisements," "processing personal advertisements" or "isolating a subset of personal advertisements." Applicant has, furthermore, not identified any teaching in Lalonde of performing any of these steps over the internet. Accordingly, Lalonde teaches neither the fundamental concept of "introducing individuals over the internet in order to establish an acquaintance for the purpose of dating" nor the specific limitations found in claims 145-204. Accordingly, Lalonde does not anticipate any of the pending claims, nor does it render any such claims obvious, and the pending claims are therefore allowable over Lalonde.

**The Solomon References:**

United States Patents Nos. 4,847,890 ("Solomon '890") and 5,768,348 ("Solomon '348" and collectively, the "Solomon References") each disclose an "Anonymous interactive telephone system." Solomon '890 discloses a telephone-based system for

connecting individuals responding to personals advertisements placed in a printed publication. The novelty of the system of Solomon '890 resides in the manner in which calls can be made between parties through the system while the identity of the callers can be kept confidential. Solomon '890, which issued from a patent application filed in 1987, fails to disclose communication over the internet, the use of computer-based searching or any of the multimedia aspects of the present invention.

Solomon '348 expands on the basic concept disclosed in Solomon '890, while adding additional detail. Despite the additional disclosure, Solomon '348 remains directed at a telephone-based anonymous caller system which may be employed in connection with personals advertisements placed in a printed publication.

Whereas the Solomon References are directed to an "Anonymous interactive telephone system," new claims 145-159 and 175-189 are directed to systems for "introducing individuals over the internet in order to establish an acquaintance for the purpose of dating," (emphasis added) while new claims 160-174 and 190-204 are directed to methods of accomplishing the same purpose. Accordingly, the fundamental context and purpose of the new claims are very different from the fundamental context and purpose of the Solomon References.

Applicant has not identified within the Solomon References a teaching of the publication of "personal advertisements"--that is,

advertisements describing the personal attributes of an individual-  
via the internet. Similarly, Applicant has not identified any  
teaching within Solomon of an internet website or any step or means  
for "receiving personal advertisements," "processing personal  
advertisements" or "isolating a subset of personal advertisements"  
coupled to an internet website. Accordingly, Solomon teaches  
neither the fundamental concept of "introducing individuals over  
the internet in order to establish an acquaintance for the purpose  
of dating" nor the specific limitations found in claims 145-204.  
Accordingly, neither Solomon '890 nor Solomon '348 anticipates or  
renders obvious the invention claimed by the presently-pending  
claims, and such claims are allowable over the Solomon References.

The Hyodo Reference:

U.S. Patent No. 5,937,390 to Hyodo ("Hyodo") discloses an  
"On-line advertising system and its method." The abstract to Hyodo  
reads as follows:

When a user accesses an advertisement on an on-line  
advertising system from a user terminal on the Internet  
using a WWW browser, an advertisement including the  
toll-free telephone number of a store is sent to the user  
terminal. When the user calls this toll-free telephone  
number, a toll-free call control system connects that  
call from the user to the store and, at the same time,  
obtains information on that access to the toll-free  
telephone number as log information. This log information  
is posted to the service provider, and the service  
provider analyzes the hit rate from this log information  
and the WWW browser access log. From this result, the  
on-line service provider or the advertiser can determine  
the effectiveness of that advertisement.

Although Hyodo relates to classified advertisement, Applicant has not identified within Hyodo any teaching or suggestion of its use within an online dating system. Further, Applicant respectfully submits that Hyodo fails to teach or suggest the combination recited in the pending claims, specifically the multimedia aspects of the presently pending claims, including but not limited to the playing of audio messages and video messages in connection with on-line advertisement.

Whereas Hyodo is directed to an online classified advertisement system in general, new claims 145-159 and 175-189 are specifically directed to systems for "introducing individuals over the internet in order to establish an acquaintance for the purpose of dating," while new claims 160-174 and 190-204 are directed to methods of accomplishing the same purpose. Accordingly, the online-dating focus of claims 145-204 is much more specific than the generic advertisement teachings of Hyodo.

Applicant has not identified within Hyodo a teaching of "personal advertisements"--that is, advertisements describing the personal attributes of an individual. This is not surprising, owing to the fact that Hyodo is not directed to the establishment of personal romantic contacts. Similarly, Applicant has not identified any teaching within Hyodo of any step or means for "receiving personal advertisements," "processing personal advertisements" or "isolating a subset of personal advertisements."

Applicant has, furthermore, not identified any teaching in Hyodo of performing any of these steps over the internet. Accordingly, Hyodo teaches neither the fundamental concept of "introducing individuals over the internet in order to establish an acquaintance for the purpose of dating" nor the specific limitations found in claims 145-204. Accordingly, Hyodo does not anticipate any of the pending claims, nor does it render any such claims obvious, and the pending claims are therefore allowable over Hyodo.

Additional References:

Although Irribarren, Lalonde, Hyodo and the two Solomon references constitute a set of some of the most commonly-cited references relied upon by the USPTO in related cases, additional references have also been cited in rejections of the pending claims, generally in the context of a rejection under 35 U.S.C. 103(a). These references include, but are not necessarily limited to, the following:

U.S. Patent No. 5,524,137 to Rhee for a "Multi-media messaging system."

U.S. Patent No. 5,533,102 to Robinson et al. for a "Telephone auto attendant system for delivering chosen greetings to callers while on the phone."

U.S. Patent No. 4,979,216 to Malsheen et al. for a "Text to speech synthesis system and method using context dependent vowel allophones."

U.S. Patent No. 5,805,587 to Norris et al. for a "Call notification feature for a telephone line connected to the internet"

U.S. Patent No. 5,850,433 to Rondeau for a "System and method for providing an on-line directory service"

European Patent Application EP 0 845 894 A2 to Picard for a "System for accessing multimedia mailboxes and messages over the internet and via telephone"

European Patent Application EP 0 794 650 A2 to Bowater for "Voice mail on the internet"

Although each of the above references could perhaps be considered to disclose or suggest individual limitations of certain of the presently pending claims, these references can generally be described as telephone voice mail systems incorporating additional functionality. Although the pending claims incorporate the concept of sending and receiving voice data, this concept is incorporated into the pending claims within the specific context of a "system for introducing individuals over the internet in order to establish an acquaintance for the purpose of dating." Applicant respectfully submits that none of the above references anticipates or renders obvious any of the presently pending claims. This is evidenced in



part by the fact that most of the above references have been before the Examiners assigned to cases related to the present cases and have found many embodiments of the present invention allowable over the references, even in connection with claims of considerably broader scope than the presently pending claims. Accordingly, Applicant respectfully submits that the pending claims are allowable over each of the above references.

#### Fee Statement

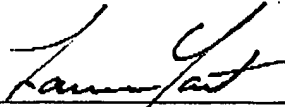
Applicant has enclosed herewith a check in the amount of \$60.00 for a one-month extension of time. The number of independent claims has been increased by four by way of the present Response. The total number of claims has been reduced by way of the present Response. Applicant has enclosed herewith a check in the amount of \$400.00 for the additional independent claims. Applicant believes no additional fees are due with this Response. If additional fees are due or an overpayment has been made, please debit or credit our deposit account, Account No. 03-1130.

#### Conclusion

In view of the foregoing, the Examiner is respectfully requested to allow the claims presented for consideration herein. The Examiner is requested to call the undersigned for any reason that would advance the instant application to issue.

Dated this 14th day of June, 2005.

Respectfully submitted:



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